

CALIFORNIA DEPARTMENT OF FISH AND GAME

DRAFT CERTIFICATE OF FEE EXEMPTION

De Minimus Impact Finding

Project Title: Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate Water Effect Ratios (WERs) for Copper in Lower Calleguas Creek and Mugu Lagoon

Project Location: Calleguas Creek Watershed, Ventura County

Project Proponent: California Regional Water Quality Control Board, Los Angeles Region
340 W. 4th Street, Suite 200, Los Angeles, CA 90013

Project Description:

The proposed amendment would incorporate into Chapter 3 of the *Water Quality Control Plan for the Los Angeles Region* (Basin Plan) water-effect ratios (WERs) that would modify the copper water quality objectives contained in the California Toxics Rule (CTR) for lower Calleguas Creek and Mugu Lagoon.

The goal of this amendment is to take into account site specific conditions in lower Calleguas Creek and Mugu Lagoon that have been shown to alter [reduce] the toxicity of copper to aquatic life. The bioavailability and toxicity of copper are dependent on site-specific factors such as pH, hardness, suspended solids, dissolved oxygen (i.e., redox state), dissolved carbon compounds, salinity, and other constituents. The purpose of this amendment is to derive modified objectives for copper that will be protective of the aquatic life in these waterbodies, given the local water chemistry, while not being more stringent than the CTR objectives are intended to be.

This proposed basin plan amendment is based on the scientific background and data in the Technical Report, "Calleguas Creek Watershed Copper Water-Effects Ratio (WER) Study," prepared by Larry Walker Associates, Inc. (LWA) on behalf of the Calleguas Creek Watershed Management Plan, a stakeholder group in the Calleguas Creek Watershed. The methods to develop the WERs generally follow the US EPA's direction for the development of WERs contained in "Interim Guidance on Determination and Use of Water-Effect Ratios for Metals" (US EPA, 1994).

The POTWs discharging to these waterbodies are expected to be the primary parties involved in compliance with the modified objectives. If approved, the copper WERs would be reflected in revised effluent and receiving water limitations for the affected POTWs and waterbody reaches. The WERs will allow for increased concentrations of copper in the Lower Calleguas Creek and Mugu Lagoon. Because the WERs will result in modified objectives that are higher than the current objectives in the CTR, this amendment should not necessitate any expenditure to upgrade facilities. Therefore, the economic cost of this amendment should not be significant.

Additional receiving water monitoring will be required of dischargers subject to site-specific WER(s) to evaluate whether the copper objectives, as modified by the WER(s), are as protective

of beneficial uses as the CTR objectives are intended to be. This additional monitoring will be required through the discharger's NPDES permit monitoring and reporting program. If additional monitoring indicates a change in the chemical characteristics of the waterbody or toxicity, the Regional Board may reconsider the site-specific WER(s).

Findings of Exemption: (See attached CEQA Checklist).

This amendment will reflect the best science available to protect beneficial uses and will have no negative impact on the environment.

Certification;

I hereby certify that the California Regional Water Quality Control Board, Los Angeles Region, has made the above findings of fact and that based upon the Environmental Checklist and written report and hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources as detailed in Section 711.2 of the Fish and Game Code.

Jonathan S. Bishop
Executive Officer
Regional Water Quality Control Board
Los Angeles Region

Date